



OFFICE OF INSPECTOR GENERAL

U.S. ENVIRONMENTAL PROTECTION AGENCY

About the EPA Office of Inspector General

What Is an Inspector General?

The Inspector General Act of 1978 established independent and objective units to be led by an inspector general within each federal agency, in part, to prevent and detect waste, fraud, and abuse and to promote economy, efficiency, and effectiveness in agency programs and operations. An Office of Inspector General performs audits, evaluations, and investigations related to the programs and operations of an agency. There are 75 statutory IGs in the federal government. Although the U.S. Environmental Protection Agency OIG is part of the EPA, Congress provides it with funding that is separate from the Agency's to ensure independence. The EPA IG also serves as the IG for the U.S. Chemical Safety and Hazard Investigation Board, known as the CSB.

How Is an IG Appointed and for What Term?

Pursuant to the IG Act, the EPA IG is appointed by the president of the United States and confirmed by the U.S. Senate. The EPA IG must be selected "without regard to political affiliation and solely based on integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations." Unlike most presidential appointees, an IG does not leave the position when a new president takes office. Although an IG may be removed from office or transferred to another position in the organization by the president, the president must communicate in writing the reasons for any such removal or transfer to both houses of Congress at least 30 days before the removal or transfer.

What Are the IG's Access Rights and Reporting Responsibilities?

The IG Act states that neither the head of an agency nor the agency's staff "shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena during the course of any audit or investigation." The IG is required to have direct and prompt access to the agency head. In addition, the IG is authorized to unqualified, timely access to all records and information of the agency to conduct such investigations and issue such reports as the IG deems appropriate (with limited national security and law enforcement exceptions), to issue subpoenas for information and documents outside the agency (with the same limited exceptions), to administer oaths for taking testimony, and to hire and control the OIG's staff and contract resources. However, the agency provides physical support to the OIG, such as space and resources.

The IG Act requires IGs to keep both the head of the agency and the Congress "fully and currently informed" about any "particularly serious or flagrant problems, abuses, or deficiencies." The EPA OIG conducts a number of audits mandated by Congress, as well as discretionary work as resources allow. IGs also are required to identify major management challenges for the agencies they oversee and to prepare Semiannual Reports to Congress detailing

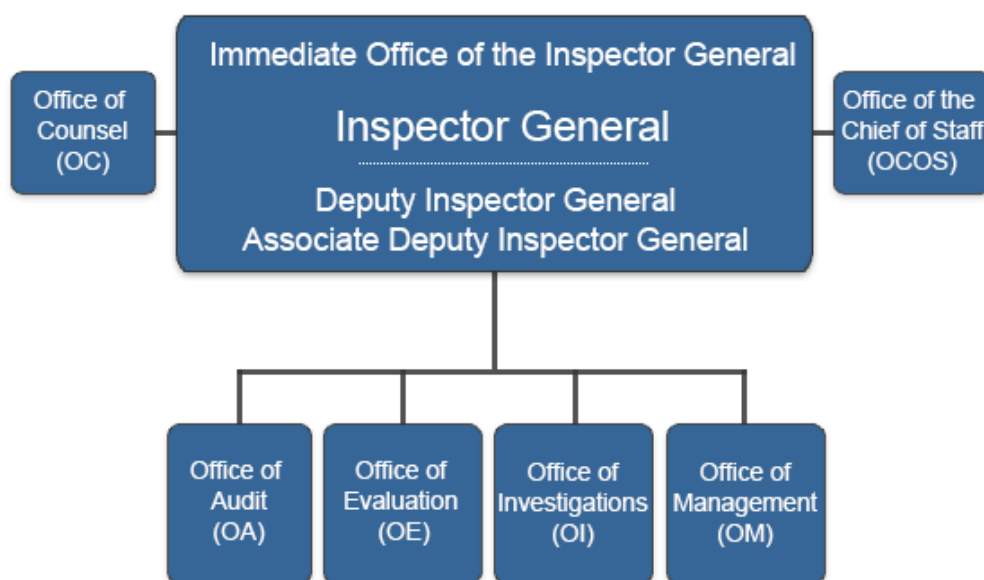
significant problems and deficiencies they find. In turn, the agency head must transmit the Semiannual Report to Congress—and any comments—to congressional committees or subcommittees of jurisdiction within seven calendar days.

In the event that an agency does not cooperate with an OIG, the IG has a number of statutory options and requirements, including reporting the denial of access to all documents in the OIG’s Semiannual Report to Congress.

How is the EPA OIG Organized?

The OIG comprises six offices. Figure 1 details the organizational structure of the OIG.

Figure 1. Organization Structure of the OIG



The **Office of Audit** conducts financial and performance audits to determine the efficiency, effectiveness, and compliance of Agency business operations and financial management. Audits assess the:

- Potential for fraud, waste, and abuse.
- Award and management of grants and contracts.
- Management of information technology.
- Ways to realize cost savings and other efficiencies.

The **Office of Counsel**, which reports directly to the IG, provides independent legal and policy advice, including legal reviews, to all components of the OIG.

The **Office of the Chief of Staff**, which reports directly to the IG, encompasses Strategic Planning and Initiatives, Congressional and Public Affairs, and Data Analytics directorates. The SPI directorate:

- Oversees the OIG’s strategic and annual plans.
- Leads the development of top management challenges for the EPA and the CSB.
- Initiates projects to identify best OIG practices.

The CPA directorate:

- Communicates with Congress, the news media, and the public about the OIG's work.
- Edits, publishes online, and disseminates OIG reports and correspondence.
- Manages the OIG's website and social media platforms.
- Oversees the OIG Hotline.

The DA directorate supports the Office of Audit, the Office of Evaluation, and the Office of Investigations by leveraging advanced analytics that highlight key risk areas to program integrity within EPA programs and operations.

The **Office of Evaluation** conducts evaluations that assess the design, implementation, and measurement of EPA programs, including evidence of program effectiveness and results.

The **Office of Investigations** conducts criminal, civil, and administrative investigations into fraud, waste, abuse, and misconduct that undermine the integrity of or public trust in the Agency's programs and operations or create an imminent risk or danger. Investigations involve such areas as grant, contract, and laboratory fraud; employee misconduct; and cybercrime.

The **Office of Management** serves as the corporate focal point under the Immediate Office of the Inspector General. The OM is responsible for promoting the most efficient use of and accountability for OIG resources in effectively achieving its mission and strategic goals. OM functions include:

- Budget formulation and execution.
- OIG strategic planning.
- Policy and procedure management.
- Recruiting and staffing.
- Employee development and relations.
- Software development.
- Information security.
- Facilities and property management.

In addition to its headquarters, the OIG has offices in all ten of the EPA regions, as well as at Research Triangle Park, North Carolina, and in Cincinnati, Ohio.

Top Management Challenges for the EPA

The OIG is required by the IG Act to prepare an annual report summarizing what the OIG considers the "most serious management and performance challenges facing the agency." The EPA's most recent Top Management Challenges report identifies eight priorities facing EPA leadership through FY 2021. The OIG regards resolving these as essential to the EPA's protection of human health and the environment. The challenges, which serve as a framework for the rest of the OIG's portfolio, are as follows:

1. **Maintaining Human Health and Environmental Protections, Business Operations, and Employee Safety During the Coronavirus Pandemic and Future Natural Disasters.** The Agency continues to respond to the 2020 coronavirus pandemic—that is, the SARS-CoV-2 virus and resultant COVID-19 disease. At the same time, EPA response and support capabilities need to be available to support natural disaster response during the 2020 hurricane and wildfire seasons.

- 2. Complying with Key Internal Control Requirements.** The EPA faces overarching challenges in implementing and operating internal controls that establish and maintain an effective work environment in the areas of developing internal control risk assessments, ensuring quality data, and creating effective policies and procedures. For example, in a May 2020 OIG report, we found that the EPA was not conducting risk assessments for 20 programs that collectively cost over \$5.7 billion in fiscal year 2018. Without these risk assessments, the EPA cannot be certain it has the proper procedures in place to address internal and external risks to programs. The Agency is better able to protect business operations from fraud, waste, abuse, and mismanagement when it knows the risks and develops plan to mitigate those risks.
- 3. Improving Oversight of and the Results Received from States, Territories, and Tribal Environmental Programs that Implement EPA Programs.** According to the EPA, states have assumed more than 96 percent of the delegable authorities under federal law. The EPA's oversight of delegated programs is vital to ensure nationwide protection of human health and the environment. External organizations and members of Congress have questioned the effectiveness of the administrator's strategy based on declining state resources and examples of strained relationships between the EPA and the states, and our audits and evaluations have shown that much remains to be done to support effective implementation.
- 4. Improving Workforce and Workload Analyses to Accomplish EPA's Mission Efficiently and Effectively.** The EPA needs ongoing and comprehensive workload analyses to adequately respond to and prepare for future staffing gaps and shortages in essential positions. The EPA has not yet executed the required workforce plan to ensure that the Agency is well-staffed to achieve its goals and objectives of protecting human health and the environment. Workforce planning is an essential task of government agencies, designed to systematically identify and address the gaps between the workforce each agency has today and the one it needs to meet future needs.
- 5. Enhancing Information Technology Security to Combat Cyberthreats.** Without enhanced information technology security, the EPA remains vulnerable to existing and emerging cyberthreats. Protecting EPA networks and data is as important today as it was in 2001, when we first reported this issue as a management challenge. Securing networks that connect to the internet is increasingly more challenging, with sophisticated attacks taking place that affect all interconnected parties, including federal networks. Various federal agencies have had numerous attacks on their systems, impacting at least 21.5 million individuals. To reduce these risks for EPA information systems, the EPA needs to be vigilant in monitoring, establishing, and developing ways to mitigate long-range emerging threats.
- 6. Communicating Risks to Allow the Public to Make Informed Decisions About Its Health and the Environment.** The EPA needs to provide individuals and communities with sufficient information to make informed decisions to protect their health and the environment. The OIG has identified instances across water, air, land, and pesticide programs in which the EPA needs more effective risk communication strategies to guide, coordinate, and evaluate its communication efforts to convey hazards. When the EPA learns that people are at risk of exposure to harmful pollutants, it is essential that the risks are communicated to the public while they are being remediated. Without effective communication to the public, people may not know about risks or may not have high quality information about how to protect themselves.
- 7. Fulfilling Mandated Reporting Requirements.** The EPA must meet its congressionally mandated report requirements. Doing so is essential to providing accountability regarding EPA programs. The EPA is responsible for submitting reports to Congress under several environmental statutes. Examples include the quadrennial report to Congress required under the Beaches Environmental Assessment and Coastal Health Act and the triennial report to Congress about the renewable fuel standards program required under the Energy Independence and Security Act of 2007. Mandated reports contain key program information for Congress, the administrator, and the public, and can inform future rulemaking and

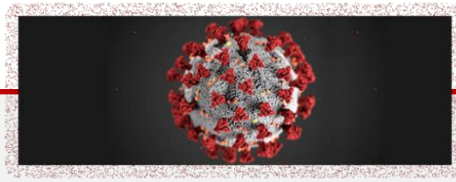
decision-making.

8. **Integrating and Leading Environmental Justice Across the Agency and Government.** The EPA needs to enhance its consideration of environmental justice across programs and regions and provide leadership in this area. Throughout the country, low-income communities and people of color live adjacent to heavily polluted industries or “hot spots” of chemical pollution.

In addition, the OIG’s Office of Investigations has flagged the following trends for the EPA’s attention:

- *Grant and Contract Oversight.* Because of inadequate documentation, it is often difficult for the EPA to have reasonable assurance that grant and contract work being paid for is actually being performed, as required.
- *Management of Information Technology.* The Agency faces many challenges in combating cyberthreats and ensuring that resources are adequately protected.

Work Related to COVID-19 Pandemic



- The [EPA OIG’s Response to the COVID-19 Pandemic](#) summarizes the OIG’s activities in response to the pandemic through July 31, 2020. It was the forerunner to a continually updated [webpage](#) on the same topic, which describes potential audit or evaluation topics, provides links to reports and recently announced projects, and indicates potential investigation targets.
- **Reopening Facilities Closed Because of the Pandemic.** The OIG has started an evaluation of the EPA’s response to the White House’s “Guidelines for Opening Up America Again.” This evaluation is self-initiated and is part of the OIG’s efforts to examine the impact of COVID-19. This evaluation is examining measures that the EPA is taking to mitigate Agencywide risks as it plans to reopen its facilities for operations.
- **Internal Controls Established to Implement Programs and Activities Funded under the Coronavirus Aid, Relief, and Economic Security Act.** The OIG is evaluating the internal controls established to implement programs and activities funded under the CARES Act. We believe that this ongoing evaluation can increase the efficiency of processes related to COVID-19.
- **Survey of On-Scene Coordinators and Managers Regarding COVID-19.** This evaluation found that on-scene coordinators may not be safe deploying during the pandemic without sufficient personal protective equipment and clear guidance. ([20-E-0332](#), September 28, 2020)
- **EPA’s Initial Implementation of CARES Act Section 3610.** The OIG undertook this work to determine what guidance the EPA provided to its contracting personnel and contractors on how the Agency planned to implement Section 3610 of the CARES Act consistently with the statute. We found that the Office of Acquisition Solutions created and provided detailed guidance to EPA contracting personnel and contractors related to reimbursements under Section 3610 of the CARES Act. ([20-N-0202](#), June 29, 2020)

Other OIG Work Underway

The summaries below provide details on significant audit and evaluation work underway. While we have major investigations underway, none are in the public domain and thus cannot be reported in this document.

- **EPA's Efforts Under the Clean Water and Safe Drinking Water Acts to Address Harmful Algal Blooms.** The OIG is evaluating how the EPA is exercising its authority under the CW&SDW Acts to address harmful algal blooms and thus protect human health and the environment. Harmful algal blooms occur when colonies of algae—simple plants that live in the sea and freshwater—grow out of control and produce toxic or harmful effects on people, fish, shellfish, marine mammals, and birds.
- **EPA's Oversight of Tribal Drinking Water Systems.** The OIG is examining the effects of the EPA's oversight, including compliance assistance and enforcement activities, on the ability of public water systems in Indian Country to provide safe drinking water to customers. We are also looking into how the EPA modified its oversight to help public water systems in Indian Country provide safe drinking water to customers during the coronavirus pandemic.
- **EPA's Working Capital Fund Operations, Expenditures, and Rate Establishment.** The OIG's objectives are to determine whether (1) the EPA's Working Capital Fund is operating efficiently by keeping expenditures low; (2) the rates established for various services are properly supported; and (3) allocations of costs to the Working Capital Fund are reasonable, allowable, and proper.

How Does the OIG Conduct Its Audit and Evaluation Work?

The OIG maintains a planning process to assess the nature, scope, and inherent risks of EPA programs and operations. A key part of identifying risks is through the annual update to management challenges facing the Agency. The annual plan includes discretionary work that the OIG deems potentially beneficial, as well as work conducted based on mandates from legislation, congressional inquiries, and hotline requests. Adjustments are made throughout the year to respond to emerging issues. OIG work not mandated is selected based on the best possible return on investment—both monetarily and environmentally.

Before starting a project, the OIG issues a notification memo to the Agency. The OIG then collects enough evidence for analysis and uses that evidence to provide a reasonable basis for findings and conclusions. The OIG affords the Agency multiple opportunities at various phases during the report development process—including responding to a draft report that may include recommendations—to provide input and feedback. The OIG only has the authority to recommend; it cannot force the Agency to take any action. After the period allotted for the Agency to respond, the OIG issues a final report to the Agency, shares it with congressional committees of jurisdiction, and makes that report available to the public on the OIG's website.

What Is the EPA OIG's Investigative Function?

The EPA OIG's Office of Investigations conducts criminal, civil, and administrative investigations related to the programs and operations of the EPA and CSB. These investigations may involve allegations of financial fraud, laboratory fraud, and cybercrime. The Office of Investigations refers its findings to the U.S. Department of Justice and other federal, state, and local law enforcement entities for criminal and civil litigation or to EPA, CSB, or EPA OIG management for administrative action. Investigative efforts may lead to criminal convictions, civil monetary penalties, restitution orders, or administrative sanctions. Agents within the Office of Investigations are duly

appointed federal criminal investigators and are authorized to carry firearms, make arrests, execute search and seizure warrants, and perform other law enforcement duties.

What Is the EPA OIG Hotline?

The EPA OIG operates a hotline—managed by the Office of the Chief of Staff—that receives complaints of fraud, waste, and abuse in EPA and CSB programs and operations, including mismanagement and violations of law, rules, and regulations by Agency employees, grantees, and contractors. The hotline also encourages suggestions for assessing efficiency and effectiveness. Complaints and requests may be submitted by anyone, including EPA and CSB employees, participants in Agency programs, members of Congress, organizations, and members of the public. In addition, contractors, subcontractors, and grantees are required in certain instances to make mandatory disclosures as set forth in the Federal Acquisition Regulation and the Code of Federal Regulations; such disclosures may be made through the OIG Hotline. Tips can be submitted by mail, telephone, email, or fax and can be anonymous. A hotline submission might result in an audit, evaluation, or investigation. Complainants have certain protections as provided under the IG Act, the Whistleblower Protection Enhancement Act, and other laws.

Who Is in Charge at the EPA OIG?

Sean W. O'Donnell was sworn in as inspector general on January 27, 2020. Previously, he spent 15 years at the U.S. Department of Justice, most recently as a prosecutor in the Criminal Division's Money Laundering and Asset Recovery Section. Over his career at the DOJ, he handled a wide range of criminal and civil matters, such as commercial and governmental fraud, corruption, and national security matters. Early in his career, Mr. O'Donnell clerked for U.S. Circuit Judge Raymond Gruender on the U.S. Court of Appeals for the Eighth Circuit and U.S. District Judge Harry Lee Hudspeth on the U.S. District Court for the Western District of Texas. He also spent time in private practice, working on intellectual property and antitrust litigation, among other matters. Mr. O'Donnell has a bachelor's degree in economics from Texas A&M University, a bachelor's degree in mathematics from the University of Washington, a master's degree in economics from the University of Texas at Austin, and a law degree from the University of Texas School of Law.

Charles J. Sheehan became the deputy inspector general in April 2012. Before that, he served four years as a judge on the EPA's Appeals Board. Prior to that, Mr. Sheehan was the regional counsel for EPA Region 6; general counsel of the U.S.-Mexico Border Commission; and a trial attorney with the U.S. Department of Justice, primarily with the Department's Environment and Natural Resources Division. Mr. Sheehan earned a bachelor's degree from Boston College and a juris doctor degree from the Georgetown University Law Center. He is a member of the bar of the District of Columbia.

Edward Shields is the associate deputy inspector general. Mr. Shields has over 30 years of government experience in auditing, human resources, budget, and information technology. He started his auditing career performing contract and financial auditing with the U.S. Department of Defense's Defense Contract Audit Agency. His focus then shifted to IT auditing, which eventually led him to the EPA OIG in 1994. During his time at the EPA OIG, Mr. Shields has held multiple leadership positions that include audit team leader, director for IT audits, deputy assistant inspector general for human capital, deputy assistant inspector general for mission systems, and assistant inspector general for management. Mr. Shields earned a bachelor's degree in Business (Accounting concentration) from Bowie State University.

Key OIG Audit and Evaluation Results in Recent Years

The OIG's Semiannual Reports to Congress summarize OIG accomplishments, including audits and evaluations. The next report, covering April–September 2020, will be transmitted by the OIG to the Agency no later than October 30, 2020, and by the Agency to Congress no later than November 29, 2020. Previous reports covering the periods ending [March 31, 2020](#); [September 30, 2019](#); and earlier are available in the [semiannual report section](#) of the OIG's website. Examples of findings and conclusions are as follows:

- Improved contract management will help the EPA become a better fiscal steward and potentially save millions of taxpayer dollars. ([20-P-0331](#), September 25, 2020)
- An EPA regional office is unable to verify that personnel are preserving all electronic files needed to fulfill federal record-keeping responsibilities or that an actual or suspected loss of records is communicated to the agency records officer, who would then report any loss to the U.S. National Archives and Records Administration in accordance with federal law and regulations. ([20-E-0295](#), August 31, 2020)
- The improvement of implementation of the scientific integrity policy will enable the EPA to more effectively carry out its mission to protect human health and the environment. ([20-P-0173](#), May 20, 2020)
- By not performing cost and alternative analyses, the EPA missed the opportunity to save taxpayer funds on its \$13 million time and attendance system. ([20-P-0134](#), April 13, 2020)
- The EPA's annual levels of compliance-monitoring activities, enforcement actions, and enforcement results generally declined throughout the scope of our audit—which examined 2007 to 2018. Inspections declined by 33 percent, the number of enforcement actions initiated by 52 percent, actions concluded by 51 percent, those with penalties by 53 percent, and supplemental environmental projects by 48 percent. ([20-P-0131](#), March 2020)
- The EPA needs to improve management of its Homeland Security/Emergency Response equipment, worth over \$40 million, so that it can adequately track the equipment it needs to fulfill its responsibilities during an incident in a cost-effective manner. ([20-P-0066](#), January 2020)
- Improvements can enable the EPA to better detect and prevent pesticide misuse and unnecessary risk to human health and the environment in Indian Country. ([20-P-0012](#), October 2019)
- The OIG identified 40 trips and \$985,037 in costs associated with the travel of former EPA Administrator Scott Pruitt for the 10-month period starting March 1, 2017. A total \$123,942 was questionable. ([19-P-0155](#), May 2019)
- The EPA's controls over the land application of biosolids generated from sewage sludge were incomplete or had weaknesses and may not fully protect human health and the environment. ([19-P-0002](#), November 2018)
- Our final report about the Flint water crisis provided further details about implementation and oversight lapses by the EPA, State of Michigan, and City of Flint. EPA Region 5 did not implement management controls for more proactive decision-making for the Lead and Copper Rule. ([18-P-0221](#), July 2018)
- EPA headquarters, based in Washington, D.C., and Region 4, based in Atlanta, Georgia, subsidized employee parking. From January 2015 through December 2016, these offices paid over \$840,000 to subsidize employee parking and approximately \$690,000 for leased parking spaces that remained unoccupied. ([18-P-0036](#),

November 2017)

- We found that the EPA has taken few steps to address herbicide resistance. We made several recommendations, such as requiring that herbicide labels include mechanisms of action, improving data collection and reporting on herbicide resistance, and developing performance metrics and a plan for establishing consistent stakeholder communications. ([17-P-0278](#), June 2017)

Key OIG Investigative Results in Recent Years

- Duke University agreed to pay the government \$112.5 million to resolve allegations that it violated the False Claims Act by submitting applications and progress reports to the National Institutes of Health and the EPA that contained falsified research regarding federal grants. The EPA had one grant involved in the case and approximately \$5.4 million of recoupment associated with the settlement. The settlement agreement resolved allegations that, from 2006 to 2018, Duke University knowingly submitted and caused to be submitted falsified or fabricated data or statements regarding 30 grants, resulting in the National Institutes of Health and the EPA paying out grant funds they otherwise would not have.
- An investigation of Severson Environmental Services Inc. involved a kickback and bid-rigging scheme related to two Superfund sites in New Jersey. This investigation resulted in the conviction of ten individuals and three companies on charges including major fraud, tax fraud, money laundering, and obstruction of justice. Criminal fines and restitution of more than \$6 million were imposed as a result of this investigation. As part of the conspiracies, the Severson project manager and co-conspirators accepted kickbacks from subcontractors in exchange for the award of subcontracts at the two sites. The Severson project manager provided co-conspirators with bid prices of their competitors, which allowed them to submit higher prices and still be awarded the subcontracts. In exchange for his assistance, the project manager received various gifts including Caribbean cruises, expensive wine, numerous concert and sporting tickets, a trip to Key West, and tens of thousands of dollars in cash.
- Alexander Robert Xavier, of Jensen Beach, Florida, was sentenced in the U.S. District Court for the Southern District of Florida to 12 ½ years in prison related to contract fraud involving a surety bond scheme that impacted numerous federal agencies and government contractors. Xavier also was ordered to pay more than \$4 million in restitution to 14 federal agencies—including the EPA—as well as contractors. The \$4-million restitution was joint and several with two other co-defendants—Kelly A. Spillman and Brian J. Garrahan, both of Delray Beach, Florida—in the fraudulent insurance bond scheme. Xavier and three of his associated companies—The Xavier Group, Guardian One Capital Trust, and Guardian One Capital Corporation—as well as Garrahan, Spillman, and 22 related entities—were debarred for five years from participating in federal procurement and nonprocurement programs.
- ManTech Advanced Systems International Inc., a federal contractor, agreed to pay the U.S. government \$750,000 in a civil settlement, including \$325,000 returned to the EPA. The settlement was reached in a coordinated effort between the U.S. Attorney's Office for the Eastern District of Virginia and the OIG. ManTech was awarded a subcontract on an EPA contract that required certain tasks be performed only by individuals with Top Secret clearances. ManTech represented the principal project manager for the contract as having the required Top Secret clearance. However, when the ManTech project manager's clearance was revoked, ManTech failed to inform the EPA. In a proposal to extend ManTech's contract with the EPA, ManTech again represented that the same project manager had a Top Secret clearance when the person did not.

- Darin Lewis of Crestview, Florida, and Roberson Excavation Inc. of Milton, Florida, were sentenced in U.S. District Court for the Middle District of Alabama for offenses related to the falsification of water tests associated with the installation of new drinking waters lines funded under the EPA’s State Revolving Fund, an Assistance Agreement Program valued at approximately \$1 million. Lewis was sentenced to 30 months in prison, followed by three years of supervised release, on the charge of conspiracy to commit wire fraud. Roberson Excavation was sentenced to a fine of \$60,000 and ordered to pay restitution totaling \$154,000 for the charge of wire fraud.
- Delia Commander, former tribal administrator of the Skagway Traditional Council in Skagway, Alaska, was sentenced to prison for embezzling funds from the council. Commander was sentenced to 18 months in prison and three years of supervised release. She was ordered to pay restitution in the amount of \$297,731 to the Skagway Traditional Council. The council was awarded several EPA Indian General Assistance Program grants that were applied to the tribe’s funds. While tribal administrator, Commander paid herself unauthorized cash advances, used tribal funds for unauthorized personal payments, and made unauthorized personal purchases and payments using the tribe’s credit card.

Systemic Changes Resulting from OIG Work

- **Environmental Health to Children Identified for Action.** When working to repeal the rule that glider trucks must comply with emissions standards, the EPA did not conduct an evaluation of the environmental health risks to children, as required by executive order. We recommended that the EPA conduct the required analyses before finalizing the repeal.
- **Lessons Learned from Disaster Response.** The EPA’s emergency efforts in response to the 2017 hurricane season provided lessons learned to help the Agency improve how it will monitor air quality and assess drinking water and wastewater systems in the aftermath of future disasters.
- **Improved Tracking at Superfund Sites.** The EPA’s ineffective tracking of compliance with enforcement instruments at Superfund sites limited its ability to measure whether and how well the regions addressed instances of noncompliance. Furthermore, the EPA’s guidance for tracking and monitoring compliance allows for overly subjective determinations of substantial noncompliance. The EPA agreed to take action to improve its guidance and correct status codes, as needed.
- **Improved Controls to Report U.S.-Mexico Border Accomplishments.** The EPA needs to publicly share essential documentation and products regarding the activities of the Border 2020: U.S.–Mexico Environmental Program, an eight-year binational plan executed in 2012 to protect the environment and public health in the border region. The Agency also needs to provide enough resources to the program so that it can provide reliable information on the status and trends on environmental quality in the U.S.-Mexico border region.
- **Improved Tracking of Role-Based Information Security Training for Contractors.** The EPA did not confirm that contractor personnel completed required training, include role-based training provisions in existing contracts, or maintain a list of contractor personnel required to complete role-based training. As a result, the EPA had limited assurance that contractor personnel could protect Agency systems and sensitive information.

- **Effective Implementation of the CARES Act.** The Office of Acquisition Solutions created and provided detailed guidance to EPA contracting personnel and contractors related to reimbursements under Section 3610 of the CARES Act.
- **Improved Controls Over Intergovernmental Personnel Act Assignments.** The Agency updated its policy and procedure manual to reflect relevant requirements, to strengthen controls over IPA assignment documentation and tracking, and to enforce requirements for noncompliance with IPA requirements.
- **Improved Attorney Self-Certification Process.** Based on a 2019 OIG report the EPA issued new guidance addressing its process for annual attorney self-certification of active law licenses, which included enhanced verification procedures.
- **Improved Tracking of Lost and Stolen Devices.** Based on an OIG investigation, the EPA installed new tracking software on laptops to better allow the Agency to assist law enforcement in tracking down lost or stolen laptops.

Unimplemented Recommendations

Over the years, Congress has shown concern about many OIG recommendations that our Agencies have not implemented. Congress enacted The Good Accounting Obligation in Government Act, [Public Law 115-414](#), on January 3, 2019, which requires agencies to submit reports on outstanding IG unimplemented recommendations in their annual congressional budget justifications. Our books reflect 50 OIG audit and evaluation reports issued between 2008 and September 30, 2020, encompassing a total of 114 unimplemented recommendations for the EPA with total potential monetary benefits of \$114 million. Examples of unimplemented recommendations are shown in Table 1.

Table 1: Unimplemented recommendations.

Report	Recommendation
Management and Operations	
Internal Controls Needed to Control Costs of Emergency and Rapid Response Services Contracts, as Exemplified in Region 6, 14-P-0109 , dated February 4, 2014.	3. Direct contracting officers to require that the contractor adjust all its billings to reflect the application of the correct rate to team subcontract Other Direct Costs. (Estimated completion 9/30/24.)
Water Issues	
EPA Region 6 Quickly Assessed Water Infrastructure After Hurricane Harvey but Can Improve Emergency Outreach to Disadvantaged Communities, 19-P-0236 , dated July 16, 2019.	2. Revise the Region 6 pre-landfall hurricane plan to incorporate steps based on the results of outreach conducted during the planning and pre-landfall preparation exercises. (Estimated completion 3/31/21.)
Environmental Contamination and Cleanup	
EPA Unable to Assess the Impact of Hundreds of Unregulated Pollutants in Land-Applied Biosolids on Human Health and the Environment, 19-P-0002 , dated November 15, 2018.	4. Develop and implement a plan to obtain the additional data needed to complete risk assessments and finalize safety determinations on the 352 identified pollutants in biosolids and promulgate regulations, as needed. (Estimated completion December 31, 2020.)
Toxics, Chemical Safety, and Pesticides	
EPA Not Effectively Implementing the Lead-Based Paint Renovation, Repair and Painting Rule, 19-P-0302 , dated September 9, 2019.	1. Identify the regulated universe of Lead-Based Paint Renovation, Repair and Painting Rule firms in support of regional targeting strategies, in coordination with the Office of Chemical Safety and Pollution Prevention. (Estimated completion December 31, 2021.)

Air Quality	
Management Alert: Prompt Action Needed to Inform Residents Living Near Ethylene Oxide-Emitting Facilities About Health Concerns and Actions to Address Those Concerns, 20-N-0128 , March 31, 2020	<p>1. Improve and continue to implement ongoing risk communication efforts by promptly providing residents in all communities near the 25 ethylene oxide-emitting facilities identified as high-priority by the EPA with a forum for an interactive exchange of information with the EPA or the states regarding health concerns related to exposure to ethylene oxide.</p> <p>This recommendation is unresolved pending receipt of an acceptable corrective action plan with milestones from the EPA.</p>
EPA Has Not Met Certain Statutory Requirements to Identify Environmental Impacts of Renewable Fuel Standard, 16-P-0275 , dated August 18, 2016.	2. Complete the anti-backsliding study on the air quality impacts of the Renewable Fuel Standard, as required by the Energy Independence and Security Act. (Estimated completion September 30, 2024.)
Research and Laboratories	
EPA Needs a Comprehensive Vision and Strategy for Citizen Science that Aligns with Its Strategic Objectives on Public Participation, 18-P-0240 , dated September 5, 2018.	2. Through appropriate EPA offices, direct completion of an assessment to identify the data management requirements for using citizen science data and an action plan for addressing those requirements, including those on sharing and using data, data format and standards, and data testing and validation. (Estimated completion December 31, 2020.)
Compliance with the Law Operating Efficiently and Effectively	
Improved EPA Oversight of Funding Recipients' Title VI Programs Could Prevent Discrimination, 20-E-0333 , dated September 28, 2020.	<p>1. Develop and implement a plan to coordinate relevant Agency program, regional, and administrative offices with the External Civil Rights Compliance Office to develop guidance on permitting and cumulative impacts related to Title VI. We recommend that the general counsel.</p> <p>2. Develop and implement a plan to complete systematic compliance reviews to determine full compliance with the Title VI program.</p> <p>3. Develop metrics to assess the effectiveness of the Cooperative Federalism pilot and other technical assistance efforts, such as the procedural safeguards checklist. Revise these tools and programs as needed based on the metrics.</p> <p>4. Verify that EPA funding applicants address potential noncompliance with Title VI with a written agreement before the funds are awarded.</p> <p>5. Determine how to use existing or new data to identify and target funding recipients for proactive compliance reviews, and develop or update policy, guidance, and standard operating procedures for collecting and using those data.</p> <p>6. Develop and deliver training for the deputy civil rights officials and EPA regional staff that focuses on their respective roles and responsibilities within the EPA's Title VI program.</p> <p>These recommendations remain unresolved pending a formal response from the EPA to this report, which will be posted on the OIG's website.</p>